

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HODELL-NATCO INDUSTRIES, INC.)	CASE NO. 1:08 CV 02755
)	JUDGE WELLS
Plaintiff,)	
)	
v.)	
SAP AMERICA, INC., et al.)	<u>JOINT MOTION TO AMEND THE</u>
)	<u>DEADLINE FOR SUBMISSION OF</u>
Defendants.)	<u>MOTIONS IN LIMINE CONCERNING</u>
)	<u>DAMAGES EXPERT TESTIMONY</u>
)	

The parties, by and through their undersigned attorneys, hereby jointly request that the Court enter an order, in the form of the proposed order attached hereto, amending the deadline for submission of motions in limine concerning damages expert testimony by granting the foregoing motion. In support of this motion, counsel for all parties state as follows:

1. This Court's May 1, 2014 Trial Order (Docket No. 193) set July 16, 2014 as the deadline for the submission of motions in limine concerning expert testimony.
2. Hodell's damages expert is G. William Kennedy and SAP's rebuttal damages expert is Geoffrey Osborne. During the discovery period, the parties agreed to postpone the depositions of these damages experts, and to date, neither has been deposed.
3. On February 22, 2013, SAP filed a motion in limine to preclude the testimony of Mr. Kennedy. (*See* Docket No. 176). With the exception of the possible need for SAP to supplement this motion based on Mr. Kennedy's deposition testimony, the motion is fully briefed. (*See* Docket Nos. 180 and 181).
4. Due to scheduling issues, Mr. Kennedy is unavailable for deposition until July 16, 2014.

5. Thus, the parties respectfully request that, in the event SAP believes it is necessary to supplement its pending motion in limine concerning Mr. Kennedy, the Court permit SAP to do so within 7 days of the taking of Mr. Kennedy's deposition on July 16, 2014, and that Hodell then have 7 days to file a response.

6. Mr. Osborne is recently retired and, due to prescheduled vacation plans, is unavailable for deposition until August 15, 2014.

7. Hodell has not filed a motion in limine to preclude Mr. Osborne's testimony. However, the parties respectfully request that if, after conducting Mr. Osborne's deposition, Hodell believes it has a basis to file such a motion, Hodell shall be permitted to do so within 7 days of the taking of Mr. Osborne's deposition on August 15, 2014, and that SAP then have 7 days to file a response.

8. Accordingly, the parties request that the Court enter an order adopting the proposed schedule for motions in limine concerning damages experts. For clarification, the parties do not seek any modification of the July 16, 2014 deadline with respect to the two liability experts in this case, as their depositions have already been conducted.

WHEREFORE, the parties jointly request that this Court enter an order in the form attached hereto, amending certain deadlines as reflected therein.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of July 2014, a copy of the foregoing Joint Motion to Amend the Deadline for Submission of Motions in Limine Concerning Damages Expert Testimony was filed electronically. Parties may access this filing through the Court's electronic filing system.

/s/ Gregory J. Star
Gregory J. Star

IN THE UNITED STATES DISTRICT COURT
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HODELL-NATCO INDUSTRIES, INC.)	CASE NO. 1:08 CV 02755
Plaintiff,)	JUDGE WELLS
v.)	<u>ORDER AMENDING THE DEADLINE FOR</u>
SAP AMERICA, INC., et al.)	<u>SUBMISSION OF MOTIONS IN LIMINE</u>
Defendants.)	<u>CONCERNING DAMAGES EXPERT</u>
)	<u>TESTIMONY</u>

Pursuant to the parties' Joint Motion to Amend the Deadline for Submission of Motions in Limine Concerning Damages Expert Testimony, it is hereby ordered that the Trial Order (Docket No. 193) is amended as follows:

1. SAP shall have until July 23, 2014 to supplement its pending motion in limine concerning Hodell's damages expert, G. William Kennedy, and Hodell shall then have until July 30, 2014 to file a response; and
2. Hodell shall have until August 22, 2014 to file a motion in limine concerning the testimony of SAP's rebuttal damages expert, Geoffrey Osborne, and SAP shall have until August 29, 2014 to file a response.

IT IS SO ORDERED.

Dated: _____

Hon. Lesley Wells
United States District Judge